

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF WASHINGTON

3

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6

7 v.

8

9 LARRY J. NIELD,

10 Defendant.

No. CR-05-162-FVS-5

11 ORDER

12 **THIS MATTER** comes before the Court based upon the defendant's  
13 motion to vacate the judgment. He is representing himself.

14 **BACKGROUND**

15 On August 31, 2006, judgment was entered based upon the  
16 defendant's plea of guilty to the crime of conspiring to manufacture  
17 marijuana. 21 U.S.C. § 846. The defendant moves to vacate the  
18 judgment. 28 U.S.C. § 2255. In essence, he alleges that the  
19 government violated the International Covenant on Civil and Political  
20 Rights ("ICCPR") by prosecuting him and that the Court did not have  
21 jurisdiction.

22 **RULING**

23 The defendant's allegations lack merit. To begin with, "the  
24 ICCPR does not create judicially-enforceable individual rights."  
25 *United States v. Duarte-Acero*, 296 F.3d 1277, 1283 (11th Cir.), cert.  
26 denied, 537 U.S. 1038, 123 S.Ct. 573, 154 L.Ed.2d 459 (2002).  
Furthermore, jurisdiction and venue are well established. A district  
court has subject matter jurisdiction over federal crimes. 18 U.S.C.  
§ 3231. Cf. *United States v. Lee*, 472 U.S. 638, 641-42 (9th Cir.2006)

(“Congress vested district courts of the United States with jurisdiction to prosecute federal crimes”). The Eastern District of Washington is a “district court of the United States.” 28 U.S.C. §§ 128(a), 132, 451. The defendant was charged with a federal crime. Therefore, subject matter jurisdiction existed. “[A] court has exclusive personal jurisdiction over any party who appears before it, regardless of how that appearance was effected.” *United States v. Warren*, 610 F.2d 680, 684 n.8 (9th Cir.1980) (citing *United States v. Zammollo*, 432 F.2d 72, 73 (9th Cir.1970)). The defendant appeared in the United States District Court for the Eastern District of Washington. Therefore, personal jurisdiction existed. Finally, “[v]enue for a conspiracy charge ‘is appropriate in any district where an overt act committed in the course of the conspiracy occurred.’” *United States v. Corona*, 34 F.3d 876, 878-91 (9th Cir.1994) (quoting *United States v. Meyers*, 847 F.2d 1408, 1411 (9th Cir.1988)). In pleading guilty, the defendant admitted facts sufficient to establish venue.

**IT IS HEREBY ORDERED:**

1. The defendant’s motion to show cause (**Ct. Rec. 421**) is denied.
2. The defendant’s motion to vacate (**Ct. Rec. 419**) is denied.

**IT IS SO ORDERED.** The District Court Executive is hereby directed to enter this order and furnish copies to the defendant and to counsel for the government.

**DATED** this 16th day of October, 2007.

s/ Fred Van Sickle  
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Fred Van Sickle  
United States District Judge